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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,479	11/03/2005	Wolfgang Hirschburger	3455	7000

7590 04/26/2007
Striker Striker & Stenby
103 East Neck Road
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EXAMINER

SELF, SHELLEY M

ART UNIT	PAPER NUMBER
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3725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/555,479

Applicant(s)

HIRSCHBURGER ET AL.

Examiner

Shelley Self

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed on February 7, 2007 under 37 CFR 1.131 has been considered but is ineffective to place the application in condition for allowance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 4, and 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As noted in the previous Office Action, the claims are unclear and appear to be written in the form of an Abstract as opposed to a proper apparatus claim, rendering a clear of the claimed invention difficult. Further as noted in the previous Office Action, the recitation, "in the intended manner..." is not clear; as no intended manner has been positively recited. It is unclear what is meant by "...in the intended manner..." intended manner of what? Is the housing or the tool in the form in a drill bit or router bit? Examiner suggests, --said tool...-- what is meant by, "in the form of..." is the tool a drill or router bit or not? Additionally, it is not clear a how the motor housing (line 20) cooperates with the housing (line 2). Are these elements separate elements? If so, positively recitation of mechanical cooperation is required. Similarly it is not clear whether or not a vacuum cleaner is being claimed, clarification is required.

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Furthermore, the, and/or renders the claims indefinite.

Further the following are not grammatically correct,:

-claim 1, lines 3-4, ""drivable fashion and parallel oriented..." Examiner suggests, --said tool being parallel to a longitudinal..."

-means of a suction air flow suppliable a vacuum cleaner

The following do not have sufficient antecedent basis within the claim(s)

-the drive (clm. 1, line 9)

-the housing (clm. 1, line 21)

-means (clm. 1, line 11)

-the hand-guided power tool (clm.6, 8)

-the grip region (clm. 10), Grip of what?

Regarding claim 1, line 21, both a housing and a motor housing are recited, therefore it is not clear which housing is being referenced with the recitation, "the housing". Likewise the same confusion results regarding the recitation, "means" (line 11), i.e., more than one means is recited, therefore it is not clear which means is being referred to with the recitation, "means" (line 11). Further the recitation, "tube-like" is not clear, what is tube-like? Is the housing a tubular construction or some other construction?

Regarding claim1, the word "means" is preceded by the word(s)

"manner by " Examiner suggests, --means for suction airflow--

"another " Examiner suggests, --flange means for connecting---

in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means,"

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it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Applicant is required to review all of the claims for clarity, definiteness, proper recitation of all critical mechanical interrelationships and antecedent basis concerns.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6 –10 as best as can be understood are rejected under 35 U.S.C. 102(b) as being anticipated by Hestily (4,051,880). Hestily discloses a hand router comprising a housing a tool/bit, means of suction airflow (96), a turbine (84) extra inlet and outlet gratings (fig. 1, 5) the housing comprised of tubular sections connectable by flanges (fig. 1), wherein the outlet grating has air conveying elements (84; fig. 5) and wherein the inlet grating and the outlet grating each are incorporated into a motor housing (fig. 1) to reinforce the housing.

With regard to claim 4, as best as can be understood, Hestily discloses the outlet grating serves as a bearing seating for the turbine wheel (fig. 1, 5).

With regard to claim 6, as best as can be understood, Hestily discloses wherein the suction air flow comprised of air used for driving the turbine wheel is router separately from a dust air flow so that dust-laden air sucked from a workpiece does not come into contact with moving parts of the router.

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With regard to claim 7, as best as can be understood, Hestily discloses wherein the air used for driving the turbine wheel travels into the housing.

As to the switch (clm. 8, 9), Examiner notes the Hestily inherently discloses such as when power to the router is activated, the vacuum (96) is also activated as it is a part of the router. Examiner further notes, no positively recitation of any vacuum cleaner is made, nor any indication to the structure of the vacuum cleaner, i.e., external, internal as it relates to the router.

With regard to claim 10, Hestily discloses a grip region corresponding to a diameter of a vacuum cleaner hose (fig. 5). Examiner notes any outside region of the router is a grip region, Examiner further notes as stated above with regard to claims 8 and 9, no vacuum cleaner or vacuum hose is positively recited within the claims.

Response to Arguments

Applicant's arguments filed February 7, 2007 have been carefully considered but they are not persuasive. Applicant's remarks are drawn to failure of prior art, Walton II to disclose or fairly suggest a router tool having means which calm any air flowing in or out of a turbine, gratings, especially two extra gratings, one for inlet and another for the outlet, a concentrically encompassing housing, router/dill bits and gratings which reinforce the housing. This argument however is not deemed persuasive, because as noted above, Hestily discloses the claimed invention. Accordingly a rejection in view of Hestily is made.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is 571-272-4524. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SHELLEY M. SELF
PRIMARY EXAMINER

April 23, 2007